



#3

PATENT

Attorney Docket No.: FORS-01756

## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **RAPID DETECTION AND IDENTIFICATION OF PATHOGENS**. The specification of which was filed on 08/30/95 as Serial No. 08/520,946. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claim

Yes No

--	--

Number	Country	Day/Month/Year Filed
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:		

Application Serial No.	Filing Date	Status: Patented, Pending, Abandoned
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.		

Full Name of First Joint Inventor: Mary Ann D. BrowInventor's Signature: Mary Ann D. BrowDec. 22, 1995  
DateResidence: 5905 Hammersley Road, Madison, Wisconsin 53711Citizenship: United States of AmericaPost Office Address: 5905 Hammersley Road, Madison, Wisconsin 53711Full Name of Second Joint Inventor: Victor I. LyamichevInventor's Signature: Victor I. LyamichevDec 27, 95  
DateResidence: 2221 Post Road, Apt. 5, Madison, Wisconsin 53713Citizenship: RussiaPost Office Address: 2221 Post Road, Apt. 5, Madison, Wisconsin 53713Full Name of Third Joint Inventor: David Michael OliveInventor's Signature: David Michael OliveDec. 22, 1995  
DateResidence: 3404 Country Grove Drive, Madison, Wisconsin 53719Citizenship: United States of AmericaPost Office Address: 3404 Country Grove Drive, Madison, Wisconsin 53719



#  
PATENT  
Attorney Docket No.: FORS-01756

Applicant Or Patentee: Mary Ann D. Brow et al.  
Serial or Patent No.: 08/520,946  
Filed or Issued: 08/30/95  
Entitled: RAPID DETECTION AND IDENTIFICATION OF PATHOGENS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR § 1.9(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: THIRD WAVE TECHNOLOGIES, INC.  
Address of Concern: 1250 Cloverleaf Drive, Monrovia, California 91016

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled RAPID DETECTION AND IDENTIFICATION OF PATHOGENS by inventor(s) Mary Ann D. Brow et al. described in Application Serial No. 08/520,946, filed 08/30/95.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27).

Full Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
[ ] Individual [ ] Small Business Concern [ ] Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Lance Fors  
Title in Organization: President  
Address of Person Signing: 1250 Cloverleaf Drive, Monrovia, California 91016

Signature: Lance Fors Dated: 1-2-96



#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mary Ann D. Brow *et al.*  
Serial No.: 08/520,946  
Filed: 08/30/95  
Entitled: **RAPID DETECTION AND IDENTIFICATION OF PATHOGENS**

Group No.:

Examiner:

Assistant Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**

THIRD WAVE TECHNOLOGIES, INC., as assignee of record of the entire interest of the  
above-identified patent application, hereby appoints the members of the firm of  
MEDLEN & CARROLL, a firm composed of:

Virginia S. Medlen (Reg. No. 32,050)  
Peter G. Carroll (Reg. No. 32,837)  
John P. Sutton (Reg. No. 22,430)  
Kamrin T. MacKnight (Reg. No. 38,230)  
Cynthia Soumoff (Reg. No. 38,314)  
Diane E. Ingolia (Reg. No. P-40,027)  
Todd A. Lorenz (Reg. No. P-39,754)  
Christopher J. Smith (Reg. No. P-40,179)

as its attorneys with full power of substitution to prosecute this application and transact all business in  
the Patent and Trademark Office in connection therewith.

Please direct all correspondence and telephone calls regarding this application to:

Peter G. Carroll  
MEDLEN & CARROLL  
220 Montgomery Street, Suite 2200  
San Francisco, California 94104

Telephone: 415/705-8410  
Facsimile: 415/397-8338

I hereby certify that the Assignment document filed with the application or filed subsequent to  
the filing date of the application, has been reviewed and I hereby certify that, to the best of my  
knowledge and belief, title is with THIRD WAVE TECHNOLOGIES, INC.

Dated: 1-2-96

By: Lance Fors

Lance Fors  
President  
THIRD WAVE TECHNOLOGIES, INC.  
1250 Cloverleaf Drive  
Monrovia, California 91016